

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CARMELLA M. RESTIVO GUARDADO,

Plaintiff,

-against-

ORDER ADOPTING REPORT &  
RECOMMENDATION  
04-CV-3309(JS)(AKT)

PRECISION FINANCIAL, INC. and  
TABITHA MAZZARA, in her official  
and individual capacity,

Defendants.

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Appearances:

For Plaintiff: Scott Michael Mishkin, Esq.  
Scott Michael Mishkin, P.C.  
One Suffolk Square, Suite 240  
Islandia, NY 11749

For Defendants: Michael M. Freeman, Esq.  
Hymowitz & Freeman  
404 Park Avenue South  
New York, NY 10016

SEYBERT, District Judge:

Upon review of the Report and Recommendation ("Report") of Magistrate Judge A. Kathleen Tomlinson issued March 19, 2007, to which no party has objected, the Court hereby ADOPTS the Report in its entirety.

Magistrate Judge Tomlinson's Report and Recommendation provided that any objections were to be filed with the Clerk of the Court within ten days of the date of the report. The Court notes that on March 30, 2007, both parties indicated that they would not be filing objections to the Report and Recommendation. Accordingly, all objections are hereby deemed to have been waived.

The Court ADOPTS the Report and Recommendation and ORDERS that Defendants' motion for attorney's fees is DENIED, with prejudice, and Plaintiff's fee application is DENIED, without prejudice and with the right to renew once Plaintiff has provided the appropriate information as outlined in the Report and Recommendation. Additionally, the request to tax costs is also DENIED with leave to renew.

SO ORDERED

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
March 31, 2007